CE Determination Form for Federal-Aid Projects (June 2, 2015)

CE Review Level:

☐ 1 ☒ 2 ☐ 3 ☐ Re-evaluation

The proposed project qualifies as the Categorical Exclusion Level indicated above in accordance with the 2015 Programmatic Agreement.

Appendix: B

Paragraph: 26

Project Name:

Sutherland Interchange - Hershey

Project Number:

NH-80-3(144)

Control Number:

61490

Location and Study Area:

Interstate 80 (I-80) located in Lincoln County, starting 0.29 miles west of the grade separation for the Sutherland Interchange (Exit 158), at mile marker (MM) 157.74, and extending east to MM 164.09, 0.44 miles west of the grade separation for the Hershey Interchange (Exit 164).

The Environmental Study Area is confined to the length of this project (6.35 miles) plus a half mile on either end along I-80 (MM 157.74 to MM 164.09) including the existing right-of-way (ROW) plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at the bridges and culverts for wetlands and most other resources. For regulated materials the study area extended to 0.1 mile, and for Section 4(f) properties, 0.25 mile beyond ROW.

Termini are based on limits identified by NDOR pavement management system, District 6 and previous construction projects on this segment of highway.

Begin Point(s): MM 157.74

End Point(s): MM 164.09

Highway Number, Street, etc.: I-80

Project Description:

This project would resurface 6.35 miles of I-80 located in Lincoln County, starting 0.29 miles west of the grade separation for the Sutherland Interchange (Exit 158), at MM 157.74, and extending east to MM 164.09, 0.44 miles west of the grade separation for the Hershey Interchange (Exit 164). Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of I-80 consists of four 12 foot wide concrete lanes divided by a depressed grass median with 12.5 foot wide outside shoulders, of which 10 feet is paved with concrete. The inside shoulders are 5.5 feet wide, of which 3 feet is paved with concrete. The existing bridge structures consist of clear roadway widths of 42 feet.

The improvements on this project consist of concrete repairs, resurfacing existing concrete pavement on driving lanes and shoulders with an asphalt overlay, shoulder widening, earth shoulder construction, grading foreslopes, culvert work, and removing and replacing guardrail. The improvements for structures S080 15803L and S080 15803R consist of deck repairs, overlaying the bridge, and sealing concrete rails. The improvements would also consist of concrete repairs and resurfacing the ramps for the Sutherland Interchange (Exit 158) and the rest areas. The rest areas would have repairs completed to the existing concrete pavement, and crack and joint sealing.

Scope details include:
- Grading beyond the hinge point would be required for the following work:
  - Guardrail
  - Earth shoulder construction
  - Grading new foreslopes
  - Shoulder widening and/or surfacing
  - Roadway grading for culvert extensions
  - Lighting, Signals, and/or ITS elements
  - Removal and replacement of overhead or ground mounted signs, supports and foundations.
- Grading beyond the hinge point would be required for the following work:
  - Widening LOC from 30 feet to 35 feet
- There are a total of 48 culverts that could be impacted by this project. As-built plans indicate that culverts are within the proposed lateral obstacle clear zone and impacts are anticipated at this time;. The following work may be required:
  - Culvert ends require extension beyond the proposed lateral obstacle clear zone and to match the new foreslopes.
- Guardrail
  - Remove and replace guardrail
- The bridges over Nebraska Highway 25 (N-25) (Structures S080 15803L and S080 15803R) would be milled and resurfaced. The bridges would undergo partial and full depth deck repairs, and the concrete bridge rails would be sealed. The existing guardrail would be removed and replaced with surfacing added underneath.
- Concrete pavement repairs, joint sealing, and crack sealing would be completed for the rest area pavement.
- Curb and Gutter and Flume would be removed/replaced along the EB On-Ramp at the Rest Area
- Concrete pavement repairs to mainline, interchange ramps, and rest area ramps would be made prior to resurfacing.
- Surfacing would be placed under the guardrail.
- The existing surfaced shoulders would be widened from 10 foot wide to 12 foot wide on the outside and from 3 foot wide to 4 foot wide with a beveled edge on the inside.
- Earth shoulders would be constructed to match the widened surfaced shoulder.
- The trench widening operation would remove material adjacent to the existing surfacing. This trench would be filled with asphalt.
- The existing ramps (mainline and shoulders) at MM 158.03, MM 159.60, and MM 159.94 would be milled and resurfaced.
- The existing foreslopes (inside and outside) would be regraded to no steeper than 6:1 slopes.
- Surfacing would be placed at the permanent DMS location; MM 160.60 (WB)
- Short segments of the existing surfaced shoulders, south and north of the ramp terminals, would be removed and replaced with asphalt to transition to the 4 inch grade raise of the ramps.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Rumble strips would be replaced on the resurfaced shoulders.
- Permanent pavement markings would be applied to all new surfacing.
- Existing interchange and rest area ramp lighting would be removed and replaced as needed due to the grade raise and earth shoulder reconstruction along the mainline.
- Additional property rights would not be required to build this project.
- This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

Purpose and Need *(include for Level 3, NWP 23, and Section 4(f) Programmatic Evaluation)*:

Purpose: The purpose of this project is to preserve the transportation asset, reduce the frequency and severity of crashes, improve the reliability of the transportation system and perpetuate the mobility of the traveling public.

Need: The need for this project is based on information from the NDOR's Pavement Management System, Materials & Research Pavement Design Section and District 6. These entities have determined that the pavement distresses present on this section of Interstate 80 are significant enough to warrant rehabilitation. The existing concrete pavement is 24 years old, and will be 28 years old at the time of construction, and therefore beyond the end of its anticipated service life. The concrete on this segment currently has an average faulting depth of 0.54 mm and 0.37 mm for the ascending and descending lanes of pavement, respectively, indicating that the pavement is in "Fair" condition. Recent maintenance activities have included patching, mudjacking, and shoulder maintenance.

FHWA and NDOR have identified reductions in lane departures and run-off-the-road crashes as one of the emphasis areas for Nebraska in the Strategic Highway Safety Plan. Therefore, the need for widening shoulders, regrading foreslopes, and establishing a wider lateral obstacle clear zone has been reviewed by the NDOR's Strategic Safety Infrastructure Projects Team and Traffic Engineering Division. These entities have determined that cost effective mitigation is possible and feasible, and that Federal Safety funds can be used to build mitigation measures for this project.

The need for culvert extension work is to match the new foreslopes and to eliminate obstacles within the lateral obstacle clear zone.

Overhead or ground mounted guide signs do not conform to minimum sign retroreflectivity requirements.

The need for resurfacing the ramps and joint and crack sealing the rest areas is based on information from the NDOR's Interstate Task Force, Materials & Research Pavement Design section and District 6. These entities have determined that pavement preservation activities are required at these locations in order to extend the life of the pavement.

The need for bridge work is based on information from NDOR's Bridge Division, recent bridge inspections and District 6. These entities have determined that bridge preservation and rehabilitation activities are needed to extend the life of these structures.

S080 15803L
The westbound bridge over N-25 is a continuous concrete slab bridge originally constructed in 1967 and widened in 1989 to meet minimum clear roadway width requirements. No contract maintenance has been performed since. Biennial visual inspection conducted in December 2015 indicates the deck has asphalt patch spalls and large areas of heavy scaling of the left and right shoulders. Previous inspections indicate there is leakage at the deck turndown and abutment wall joint, as well as longitudinal cracking on the underside of the spans with efflorescence present. In addition, there are cracks in the bridge rails.

S080 15803R
The eastbound bridge over N-25 is a continuous concrete slab bridge originally constructed in 1967 and widened in 1989 to meet minimum clear roadway width requirements. No contract maintenance has been performed since. Biennial visual inspection conducted in December 2015 indicates longitudinal cracks along both the surface and underside of the deck with efflorescence present. Previous inspections indicate cracking on the approach slab with large areas of spall. In addition, there are cracks in the bridge rails.

FHWA and NDOR have identified upgrading roadside safety hardware to a crashworthy appurtenance as a part of 3R (Resurfacing, Restoration and Rehabilitation) projects as one of the emphasis areas to mitigate the severity of roadway departure crashes. Pursuant to this emphasis, guardrail will be upgraded as necessary.

Action is identified in the Current STIP Date:	Subsequent Phase:	Estimated Cost *($)*:
3/15/2016	Construction	$9,290,000

The numbers in the parentheses (x) indicate the level of CE review that will be required.

All technical assessment approvals shall be made by NDOR Professional Qualified Staff (PQS) responsible for the resource category and are indicated by "NDOR PQS Determination Date."

Right of Way and Property Impacts

1.1 **Easements/ROW** – Will the action require the acquisition of new temporary or permanent right-of-way *including easements)*?

☐ Yes (2) ☒ No (1) ☐ N/A

2.1 **Section 4(f)** – Will the action result in a Section 4(f) use or qualify for Section 4(f) Exception?

☐ Yes (2) ☒ No (1) ☐ N/A

2.3 Describe resources, impacts, and the coordination conducted with officials/agencies *(including FHWA approval date(s))*:

N/A

3.1 **Section 6(f)** – Are there any Section 6(f) Land and Water Conservation Fund Act properties 36 CFR 59) within the study area?

☐ Yes (1) ☐ No (1) ☒ N/A

Other Non-Threshold Property Impacts

4.1 Will the action take place on or adjacent to Tribal lands or other Federal lands?

☐ Yes ☒ No

4.2 Will federal funds be used to relocate utilities, or will the project contractor be responsible for the relocation of the utilities?

☐ Yes ☒ No ☐ Unknown

The following questions should only be answered when the action is processed for CE Level 2 or CE Level 3 determinations. These questions are not required for a CE Level 1 analysis.

4.3 Trails – Will the action involve construction of new trails on ROW not previously designated for trails?

☐ Yes ☒ No

4.4 Farmland – Will the action result in impacts to prime or unique farmland?

☐ Yes ☒ No

4.5 If Yes, does the affected property accumulate 60 points or more in Part VI of the NRCS-CPA-106 Form?

☐ Yes ☐ No ☒ N/A

4.6 Describe resources, impacts, and the coordination conducted with officials/agencies (including FHWA):

N/A

4.7 Describe Mitigation for Above Non-Threshold Resources:

Utility relocation or replacement is not anticipated for the project. If utility relocation or replacement is required in a later phase of the project, a reevaluation will be required if: (1) federal funds will be used for the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor will initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to the commencing utility work. (NDOR Environmental, NDOR District)

If any one of the above two conditions do not apply, later relocation or replacement of utilities will be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements will be the responsibility of the Utility. [NDOR District, Utility Provider(s)]

Water and Ecological Resources:

5.1 Wild and Scenic/National Recreational Rivers – Will the action cross or occur adjacent to a Wild and Scenic River, National Recreational River Segment, or a river listed on the nationwide rivers inventory, including its buffer area?

☐ Yes* ☒ No ☐ N/A

Note: If Yes, the proposed action can be processed as a Level 1 [all Appendix A categories] or a Level 2 Action [Appendix B categories other than (26), (27), and (28)] if the Agency with Jurisdiction has determined the action will not result in an impact.

6.1 Floodplain/Floodway – Will the action occur within the boundaries of a mapped Zone A floodplain or a mapped floodway?

☐ Yes (1) ☒ No (1) ☐ N/A

If Yes, attach permits to the CE document. If a floodplain permit has not been obtained, add commitment that one will be obtained prior to the start of construction.

7.1 Wetlands/Waters of the U.S. – Are there wetlands, stream channels, or other waters within the study area?

☒ Yes (1) ☐ No (1)

7.2 Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?

☒ Yes (1) ☐ No (1)

7.3 Will the action result in greater than 0.5 acres (total permanent) of wetland impacts?

☒ Yes (2) ☐ No (1) ☐ N/A

7.4 Estimated Permanent Wetlands Impacts:

2.00

7.5 If the project is processed with a Nationwide Permit, is a Pre-construction Notification required?

☒ Yes (2) ☐ No (1) ☐ N/A

7.6 Will the action require an Individual Permit (IP) or Section 10 Permit from the U.S. Army Corps of Engineers or a Section 9 Permit from the U.S. Coast Guard?

☐ Yes (3) ☒ No (2) ☐ N/A

7.7 Describe resources, potential impacts, and any coordination conducted to date with officials/agencies:

Approximately two acres of PEMA/PEMC wetlands would be permanently impacted due to shoulder widening, earth shoulder construction, grading foreslopes, culvert work, and removing and replacing guardrail. Approximately 230 linear feet of channel would be impacted due to channel cleanout/shaping. Approximately 23 linear feet of channel would be permanently impacted due to culvert extensions. It is anticipated that this project would qualify for a Nationwide Permit 23 and impacts would be mitigated at a USACE approved mitigation bank.

A pre-application meeting was held with the USACE on December 10, 2015.

7.8 Wetlands/Waters of the U.S. Mitigation:

The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear "bed and Bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas. (Contractor, NDOR District)

All wetlands/waters within the project area that are not permitted for impacts will be marked on the 2W aerial sheets for the contractor as avoidance areas (NDOR Design, NDOR Environmental)

The project will require a pre-construction notification for impacts to waters of the U.S. The permit shall be obtained prior to project letting. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (NDOR Environmental, Contractor)

8.1 Impaired Waters, Section 402, and MS4 – Are there any impaired waters within or adjacent to *(0.5 mile)* the project study area?

☐ Yes ☒ No

8.2 Does the project occur within a MS4 community?

☐ Yes ☒ No

8.3 Does the project require a NPDES storm water permit (*ground disturbance of greater than 1 acre*)?

☒ Yes ☐ No

If Yes, add standard Erosion Control plans and Storm Water Pollution Prevention Plan (SWPPP) commitment to the mitigation commitments.

8.4 Describe resources, potential impacts, and any coordination conducted with officials/agencies:

N/A

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

Erosion control plans and storm water pollution prevention plans (SWPPP) are required on all projects that have one acre or more of disturbed soil. NDOR inspects all erosion and sediment control best management practices (BMP's) including devices every 14 days minimum and after every precipitation event of 0.5 inch or greater as per the requirements in the General Construction Storm Water Permit. Any BMP adjustments and repairs are to occur within 7 days of the inspections to ensure that water quality is being protected to the maximum extent practicable. The SWPPP shall be maintained and discharge points shall be monitored by the NDOR District Staff until the site is 70% re-vegetated. At that time the Notice of Termination with NDEQ for the General Construction Storm Water Permit and completion of the SWPPP responsibilities shall be filed. (NDOR Environmental)

9.1 **Threatened and Endangered Species** – Will the action result in a "May Affect" determination per the Nebraska Biological Evaluation Process *Matrix** that requires further consultation with the resource agencies?

☐ Yes (2) ☒ No (1)

NDOR PQS Determination Date:

10/13/2015

9.4 Suitable habitat for eagle nesting is reviewed as part of the *Matrix* Biological Evaluation process and projects are evaluated for compliance with the Bald and Golden Eagle Protection Act (BGEPA). This project was reviewed for potential impacts to bald and golden eagles resulting in the following determination:

☐ NDOR has determined the project site does not have appropriate habitat for eagles. Due to the lack of suitable habitat and the information that there are no known bald or golden eagle nests within the project area, NDOR has determined that there will be no impact to these species.

☒ It has been determined that suitable habitat does exist within 0.5 mile of the Environmental Study Area. NDOR will utilize the Bald and Golden Eagle Survey Protocols to determine when a survey for nests and/or roosts should be conducted. If nest(s) are present within 0.5 mile of the project area, NDOR will notify the Nebraska Game and Parks Commission and the United States Fish and Wildlife Service, and construction will not commence prior to their approval.

9.5 This project will comply with the Migratory Bird Treaty Act *(MBTA)* in accordance with NDOR's Avian protection Plan *(APP)* and Biological Evaluation *Matrix* Appendix A.

☒

9.6 If a Section 404 Individual Permit is required, coordination under the Fish and Wildlife Coordination Act will occur during the permitting process.

☐ Coordination Required ☒ N/A

9.7 Describe resources, potential impacts, and any coordination conducted to date with officials/agencies:

A "may affect, not likely to adversely affect" determination was made for the Whooping Crane.

9.8 Species Mitigation:

S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

S-3 Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOR Environmental)

S-4 Sensitive Areas. Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. (NDOR Environmental, District Construction)

WC-1 Construction activities will not occur during Whooping Crane migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (NDOR Environmental, Construction, Contractor)
OR
WC-2 If construction activities occur during Whooping Crane migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: MM 157.74 to 159.00, 161.33 to MM 162.53, and MM 163.81 to MM 164 (prior to the start of daily construction activities). If species are present the District will notify the Contractor to stop work within 1/2 mile of the whooping crane and follow the protocol to determine when work can resume (also not initiate work if species is found in the morning survey). Options for resuming work may include but are not limited to (NDOR Environmental, Construction, Contractor):
 Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Whooping Cranes are not present.
 If a whooping crane is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

WC-3 Herbaceous species used for re-seeding within ¼ mile of the following location: MM 157.74 to 159.00, 161.33 to MM 162.53, and MM 163+81 to MM 164 will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental)

R-11 For the whooping crane, nighttime work with lights from March 10 - May 10 and September 16 - November 16 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required. (NDOR Environmental, District Construction, Contractor)

Bald and Golden Eagle Protection Act
Suitable bald eagle nesting and/or roosting habitat exists within 0.5 miles of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If bald eagles are nesting in the area, consultation with NGPC and USFWS will be required prior to beginning construction activities. (NDOR Environmental)

* The Nebraska Biological Evaluation Process Programmatic Agreement *Matrix* complies with the Federal Endangered species Act *(ESA)* and Nebraska Nongame and Endangered Species Conservation Act *(NESCA)*.

Human and Social Resources

10.1 Historic Properties – Are there any properties listed or eligible for the National Register of Historic Properties in the study area?

☐ Yes (1) ☒ No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

10/21/2014

Has coordination occurred with SHPO?

☒ Yes ☐ No

SHPO Concurrence Date:

11/24/2014

Has coordination occurred with THPO?

☐ Yes ☒ No

Has coordination occurred with CLG?

☐ Yes ☒ No

11.1 Hazardous Materials – Will the project actions exceed the scope of the listed exemption identified in NDOR's Hazardous Materials Assessment Guidance?

☒ Yes (1) ☐ No (1)

11.2 Will the action result in more than a Low Potential for encountering hazardous materials during construction (excluding Lead Based Paint or Asbestos Containing Material)?

☐ Yes (2) ☒ No (1)

11.2A There is potential for the project to encounter Lead Based Paint (LBP). LBP standard specifications shall apply to the proposed project.

☐ Yes ☒ N/A

11.2B Asbestos Containing Materials (ACM) has been identified on bridge structures. ACM specifications will be included in the contract by special provisions.

☐ Yes ☒ N/A

11.4 Will any soil disturbance occur below or beyond preexisting roadway fill within an active Superfund Site?

☐ Yes (3) ☒ No (1)

NDOR PQS Determination Date:

1/28/2016

11.5 Describe potential conflicts and the coordination with officials/agencies:

The I-80 Sports Spot Warehouse is within the hazardous materials study area and a past release has occurred at the facility. The facility is located at the southwest corner of the Sutherland interchange and the release was associated with a leaking underground storage tank. Groundwater and soil contamination was discovered when the tanks were removed in 1995. The file is now closed with no further remedial action necessary. The adjacent work consists of resurfacing the ramps with minimal soil disturbance within the roadway embankment. Based on scope of work, there is a low potential of encountering contamination originating from this site during construction.

11.6 Hazardous Materials Mitigation:

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material shall stop until NDOR/FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then NDEQ shall be consulted and a remediation plan shall be developed for this project. The potential exists to have contaminants present resulting from minor spillage during fueling and service associated with construction equipment. Should contamination be found on the project during construction, the NDEQ shall be contacted for consultation and appropriate actions to be taken. The Contractor is required by NDOR's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws. (NDOR District, Contractor)

12.1 Traffic Noise – Does the project qualify as a Type I Project under NDOR's Noise Policy?

☐ Yes (3) ☒ No (1) ☐ N/A

13.1 Air Quality – Will the action increase capacity in exceedance of 100,000 vehicles per day in the 20th year following construction; will it result in a high potential for Mobile Source Air Toxics*(MSAT Level III)* effects; or is it considered *Regionally Significant* within a designated non-attainment area?

☐ Yes (3) ☒ No ☐ N/A

14.1 Roadway – Will the action result in the addition of through-lane capacity?

☐ Yes (3) ☒ No (1) ☐ N/A

15.1 Traffic Disruption – Will the action result in minor traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days?

☐ Yes (2) ☒ No (1)

15.3 Will temporary roads, detours, or ramp closures substantially change the environmental consequences of the action?

☐ Yes (3) ☒ No (1)

15.4 Will the action result in adverse travel *(out-of-direction)* greater than 5 miles in urban areas or 25 miles in rural areas?

☐ Yes (3) ☒ No (1)

15.5 Will the action result in temporary or permanent interference with local special events or festivals?

☐ Yes (3) ☐ No (1)

15.6 Will the action result in temporary or permanent adverse effects to through-traffic dependent business?

☐ Yes (3) ☒ No (1)

15.7 Will the action result in permanent traffic pattern changes or disruptions?

☐ Yes (3) ☒ No (1)

If a detour is required for the project, attach a map to the CE document.

15.8 Traffic Disruption Comments:

S080 15803L and S080 15803R over N-25 would have full depth deck repairs. This work would be phased to allow for traffic to be maintained on N-25. This project would be constructed under traffic with lane closures controlled by approved temporary traffic control.

15.9 Traffic Disruption Mitigation:

This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

16.1 Access Disruptions – Will the action require any access closures to businesses or residences?

☐ Yes (1) ☒ No (1)

16.5 Will the action result in access restrictions to emergency service facilities or providers?

☐ Yes (3) ☒ No (1)

16.6 Will the action change the functionality of adjacent properties?

☐ Yes (3) ☒ No (1)

16.7 Access Disruption Comments:

The project would perform concrete repairs and resurfacing the ramps for the Sutherland Interchange (Exit 158) and the rest areas. The rest areas would have repairs completed to the existing concrete pavement, and crack and joint sealing. Access at the rest areas located eastbound at MM 159.43 and westbound at MM 160.12 would be maintained but may be closed for up to ten days during the completion of construction activities. For east bound travelers the next designated rest area is located 33 miles (MM 194.34) east of the Sutherland Rest Area. For west bound travelers, the next designated rest area is located 28 miles (MM 132.54) west of the Sutherland Rest Area. In addition, nearby gas station/truck stops would be available. Travelers would be able to stop just off I-80 at Exit 164 (MM 164.54) just 5 miles east of the rest area.

16.8 Substantial Access Disruption Mitigation:

The rest areas will be closed for up to 10 days while construction occurs. Signage will be placed to notify travelers of the rest area closure as needed (Contractor, NDOR District)

17.1 Environmental Justice – Are protected populations within the study area?

☐ Yes (1) ☒ No (1)

NDOR Highway Civil Rights Specialist Determination Date:

10/20/2014

17.4 Describe resources, impacts, and the coordination conducted with officials/agencies:

No analysis of demographics is needed because the surrounding population has no or limited access to the project area, and project activities do not extend beyond the project area into surrounding populations.

18.1 Public Involvement – Provide a summary of any completed and planned Public Involvement Activities**:**

FHWA requested a mailer be sent to the freight industry during the NEPA phase of the project. A targeted mailer in the form of a project information packet, a link on the NDOR website, and a 30-day comment period were used as outreach tools for public involvement on this project. The project information packet involved mailing a project information sheet and prepaid postage comment sheet to the Nebraska Trucking Association. Project information was also placed on the NDOR website.

NDOR Public Involvement received no comments during the comment period (February 9, 2015 – March 11, 2016).

18.2 Public Involvement Mitigation:

A minimum of one news release shall go to all local and area media, and be posted on the NDOR website, prior to the start of construction work. (NDOR District, NDOR Communication)

19.1 Unresolved Controversy – Based on public involvement carried out per NDOR's procedures, is there any known public or agency controversy on human, natural, or economic grounds associated with the action?

☐ Yes ☒ No

If Yes, coordinate with FHWA to determine the proper level of environmental review.

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

☐ Yes ☒ No

20.2 General Conditions for Nationwide Permit

Nationwide Permit: 23

☒ Yes ☐ No

20.3 Federal Aviation Administration *(FAA)* Form 7460-1

☐ Yes ☒ No

20.4 General Conservation Conditions from the Matrix PA

☒ Yes ☐ No

T&E General Conditions:

A-1 Changes in Project Scope. If there is a change in the project scope, the project limits, or environmental commitments, the NDOR Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

A-2 Conservation Conditions. Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. (District Construction, Contractor)

A-3 Early Construction Starts. Request for early construction starts must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes will require approval from the Federal Highway Administration and could require consultation with the USFWS and NGPC. (District Construction, Contractor)

A-4 E&T Species. If federal or state listed species are observed during construction, contact NDOR Environmental. Contact NDOR Environmental for a reference of federal and state listed species. (NDOR Environmental, District Construction, Contractor)

A-5 Refueling. Refueling will be conducted outside of those sensitive areas identified on the plans, in the

contract, and/or marked in the field. (Contractor)

A-6 Restricted Activities. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section-township-range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

For activities outside the project limits, the contractor should refer to the Nebraska Game and Park Commission website to determine which species ranges occur within the off-site area. The contractor should plan accordingly for any species surveys that may be required to approve the use of a borrow site, or other off-site activities. The contractor should review Chapter 11 of the Matrix (on NDOR's website), where species survey protocol can be found, to estimate the level of effort and timing requirements for surveys.

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOR Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOR, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOR Environmental, District Construction, Contractor).

A-7 Waste/Debris. Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat. (Contractor)

A-8 Post Construction Erosion Control. Erosion control activities that may take place by NDOR Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOR Maintenance, District Construction, Contractor)

The proposed action will be carried out in compliance with Executive Order 13112 *(Invasive Species)*. The project contractor shall comply with Special Provision A-43-2010 amending NDOR Specification 107.01 to include the following: The Contractor shall prevent the transfer of invasive plant and animal species. The Contractor shall wash equipment at the Contractor's storage facility prior to entering the construction site. The Contractor shall inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site.

21.1 No Indirect or Cumulative Impacts

[X]

This box can be checked if after careful consideration of the Indirect and Cumulative Impact analysis guidance in the CE instructions and the facts of the project, the following statement is determined to be true:
"Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns or other resources of concern. Since no substantial human, environmental or economic impacts have been identified for this project; no cumulative impacts are expected."

21.3 Cumulative Impacts:

Additional projects in the vicinity of Sutherland Interchange – Hershey considered for cumulative impacts include improvements on:

- CN 61606 District 6 Automated Gates (FY 2017)
- CN 61277A Hershey Viaduct (FY 2014)
- CN 61568 Sutherland-Hershey (FY 2018)
- CN 61611 Sutherland West (FY 2018)
- CN 61609 Hershey East (FY 2018)

The District 6 Automated Gates (CN 61606) project would also be constructed on I-80 throughout Lincoln County in FY2017. The project would include automated gates and cameras at ramp interchanges. The project would be constructed under traffic.

The Hershey Viaduct project (CN 61277A) improvements include mill and resurfacing and would be constructed under traffic.

The Sutherland-Hershey (CN 61568) project improvements include mill, resurfacing, and bridge repair on US-30. Construction for the project would include a detour of US-30. This project runs parallel and is located directly north of the Sutherland Interchange – Hershey project on I-80. Traffic would likely utilize I-80 to detour US-30 between Sutherland and Hershey. However, the two projects would be constructed in separate years and would not overlap. I-80 traffic on the Sutherland Interchange-Hershey project would be returned to normal driving patterns prior to the Sutherland-Hershey project.

The Sutherland West project (CN 61611) and Hershey East project (CN 61609) improvements include crack sealing I-80. All work would be done under traffic.

Construction for the individual projects listed above have been scheduled such that there would be adequate time between projects to prevent interference with local traffic patterns. There are impacts anticipated for wetlands/waters, which would be mitigated. There are no impacts anticipated for threatened and endangered species, or Section 4(f) properties for the Sutherland Interchange-Hershey project. There are no negative long-term socioeconomic impacts anticipated as access to residences or businesses would only be limited during construction. There are however, long term benefits to motorist due to roadway improvements.

22.1 **Additional Comments**:

N/A

23.1 **Project Mitigation**:

Mitigation for Above Non-Threshold Resources:
Utility relocation or replacement is not anticipated for the project. If utility relocation or replacement is required in a later phase of the project, a reevaluation will be required if: (1) federal funds will be used for

the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor will initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to the commencing utility work. (NDOR Environmental, NDOR District)

If any one of the above two conditions do not apply, later relocation or replacement of utilities will be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements will be the responsibility of the Utility. [NDOR District, Utility Provider(s)]

Wetlands/Waters of the U.S. Mitigation:
The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear “bed and Bank” channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas. (Contractor, NDOR District)

All wetlands/waters within the project area that are not permitted for impacts will be marked on the 2W aerial sheets for the contractor as avoidance areas (NDOR Design, NDOR Environmental)

The project will require a pre-construction notification for impacts to waters of the U.S. The permit shall be obtained prior to project letting. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (NDOR Environmental, Contractor)

Impaired Waters, Section 402, and MS4 Mitigation:
Erosion control plans and storm water pollution prevention plans (SWPPP) are required on all projects that have one acre or more of disturbed soil. NDOR inspects all erosion and sediment control best management practices (BMP’s) including devices every 14 days minimum and after every precipitation event of 0.5 inch or greater as per the requirements in the General Construction Storm Water Permit. Any BMP adjustments and repairs are to occur within 7 days of the inspections to ensure that water quality is being protected to the maximum extent practicable. The SWPPP shall be maintained and discharge points shall be monitored by the NDOR District Staff until the site is 70% re-vegetated. At that time the Notice of Termination with NDEQ for the General Construction Storm Water Permit and completion of the SWPPP responsibilities shall be filed. (NDOR Environmental)

General Conservation Conditions from the Matrix PA:

A-1 Changes in Project Scope. If there is a change in the project scope, the project limits, or environmental commitments, the NDOR Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

A-2 Conservation Conditions. Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. (District Construction, Contractor)

A-3 Early Construction Starts. Request for early construction starts must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes will require approval from the Federal Highway Administration and could require consultation with the USFWS and NGPC. (District Construction, Contractor)

A-4 E&T Species. If federal or state listed species are observed during construction, contact NDOR Environmental. Contact NDOR Environmental for a reference of federal and state listed species. (NDOR Environmental, District Construction, Contractor)

A-5 Refueling. Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field. (Contractor)

A-6 Restricted Activities. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section-

township-range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

For activities outside the project limits, the contractor should refer to the Nebraska Game and Park Commission website to determine which species ranges occur within the off-site area. The contractor should plan accordingly for any species surveys that may be required to approve the use of a borrow site, or other off-site activities. The contractor should review Chapter 11 of the Matrix (on NDOR's website), where species survey protocol can be found, to estimate the level of effort and timing requirements for surveys.

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOR Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOR, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOR Environmental, District Construction, Contractor).

A-7 Waste/Debris. Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat. (Contractor)

A-8 Post Construction Erosion Control. Erosion control activities that may take place by NDOR Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOR Maintenance, District Construction, Contractor)

Species Mitigation:
S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

S-3 Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOR Environmental)

S-4 Sensitive Areas. Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. (NDOR Environmental, District Construction)

WC-1 Construction activities will not occur during Whooping Crane migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (NDOR Environmental, Construction, Contractor)
OR
WC-2 If construction activities occur during Whooping Crane migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: MM 157.74 to 159.00, 161.33 to MM 162.53, and MM 163.81 to MM 164 (prior to the start of daily construction activities). If

species are present the District will notify the Contractor to stop work within 1/2 mile of the whooping crane and follow the protocol to determine when work can resume (also not initiate work if species is found in the morning survey). Options for resuming work may include but are not limited to (NDOR Environmental, Construction, Contractor):
 Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Whooping Cranes are not present.
 If a whooping crane is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

WC-3 Herbaceous species used for re-seeding within ¼ mile of the following location: MM 157.74 to 159.00, 161.33 to MM 162.53, and MM 163+81 to MM 164 will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental)

R-11 For the whooping crane, nighttime work with lights from March 10 - May 10 and September 16 - November 16 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required. (NDOR Environmental, District Construction, Contractor)

Bald and Golden Eagle Protection Act
Suitable bald eagle nesting and/or roosting habitat exists within 0.5 miles of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If bald eagles are nesting in the area, consultation with NGPC and USFWS will be required prior to beginning construction activities. (NDOR Environmental)

Hazardous Materials Mitigation:
If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material shall stop until NDOR/FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then NDEQ shall be consulted and a remediation plan shall be developed for this project. The potential exists to have contaminants present resulting from minor spillage during fueling and service associated with construction equipment. Should contamination be found on the project during construction, the NDEQ shall be contacted for consultation and appropriate actions to be taken. The Contractor is required by NDOR's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws. (NDOR District, Contractor)

Traffic Disruption Mitigation:
This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

Substantial Access Disruption Mitigation:
The rest areas will be closed for up to 10 days while construction occurs. Signage will be placed to notify travelers of the rest area closure as needed (Contractor, NDOR District)

Public Involvement Mitigation:
A minimum of one news release shall go to all local and area media, and be posted on the NDOR website, prior to the start of construction work. (NDOR District, NDOR Communication)

Additional Mitigation:
Borrow Site
Any material needed will be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOR to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project.

The Contractor shall have a staging area for the project where material and equipment for the project is stored (e.g. re-steel, forms, etc.). The Contractor shall be required to dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal shall be the responsibility of the Contractor. A waste site may be needed. The Contractor shall be responsible to obtain all permits and clearances and all conditions of those permits. (Contractor)

The proposed project qualifies as a Categorical Exclusion under the following activity found in 23 CFR 771.117:

Paragraph: (c)

Activity: 26

Prepared by:

Valerie Jones, AICP

Organization:

WSP | Parsons Brinckerhoff

Phone:

(513) 639-2153

Email:

jonesv@pbworld.com

Signature:

Date:

4/1/16

Reviewed by Project Sponsor:

Name:

Doug Pillard

Organization:

NDOR

Title:

Unit Head

Signature:

Date:

April 15, 2016

NDOR has determined the information in this form is accurate and the project is in compliance with the *OPERATIONAL DRAFT* 2015 Categorical Exclusion Programmatic Agreement between FHWA and NDOR, and satisfies the criteria of 23 CFR 771.117(a) no significant impact and (b) no unusual circumstances. The mitigation identified above shall be implemented for the project.

NDOR Environmental NEPA Specialist Signature:

Digitally signed by Carmen Pellish
DN: cn=Carmen Pellish, o=NDOR Environmental, ou=NEPA Specialist, email=carmen.pellish@nebraska.gov, c=US
Date: 2016.05.10 11:06:57 -05'00'

Date:

NDOR Environmental Documents Manager Signature *(Level 2 and 3 Requirement)*:

Digitally signed by Jon Barber
DN: cn=Jon Barber, o=NDOR, ou=Environmental Documents Unit, email=jon.barber@nebraska.gov, c=US
Date: 2016.05.10 13:27:04 -05'00'

Date:

FHWA Environmental Specialist *(Level 3 Requirement)*:

Date:

If the scope of work changes, existing conditions change, or applicable regulations change, NDOR shall reevaluate this determination in accordance with the *NDOR reevaluation procedures*.

Reevaluation Approval *(if necessary)*:

Date: